

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A communication device comprising:  
cut-off frequency switching means for switching a cut-off frequency for communication data at a communication line; and  
confirming means for confirming whether or not a communication partner has said cut-off frequency switching means, in advance of sending and receiving of communication data,  
wherein said cut-off frequency switching means is structured to carry out switching of a D.C. cut-off capacitor,  
wherein said confirming means is performed while said cut-off frequency means has switched the D.C. cut-off capacitor to be disengaged from the communication line, and  
wherein said cut-off frequency means maintains the D.C. cut-off capacitor to be disengaged when it is determined that the communication line is part of a multiplex communication system that includes a telephone network line and a data network line, irrespective as to whether or not the communication partner has said cut-off frequency switching means.

2. (Canceled).

3. (Canceled).

4. (Currently Amended) The communication device according to claim [[3]] 1, wherein said confirming means is structured such that switching control of said cut-off frequency switching means is carried out in accordance with results of confirmation.

5. (Previously Presented) The communication device according to claim 1, wherein the communication line is a telephone line, and said communication device is a modem.

6. (Original) The communication device according to claim 5, wherein xDSL (x Digital Subscriber Line) type communication, which carries out data communication via the telephone line, is carried out.

7. (Canceled).

8. (Canceled).

9. (New) A method of communicating between a first modem and a second modem connected to each other via a communication line, the method comprising:

at the first modem, opening a switch to allow communication over the communication line only at or above a first frequency;

opening communication with the second modem utilizing signals at or above the first frequency sent over the communication line;

at the second modem, providing information over the communication line to the first modem indicative as to whether or not the second modem is coupled to a network that includes a multiplexed communication system, the information being provided using signals sent over the communication line at or above the first frequency;

at the first modem, receiving the information over the communication line that has been provided by the second modem, and a) closing the switch at the first modem to enable communications between the first and second modems over the communication line using signals at or above a second frequency lower than the first frequency, when the information indicates that the second modem is not coupled to a network that includes a multiplexed communication system,

and b) keeping the switch opened at the first modem to only allow communications between the first and second modems over the communication line using signals at or above the first frequency, when the information indicates that the second modem is coupled to a network that includes a multiplexed communication system.

10. (New) The method according to claim 9, wherein the first frequency corresponds to 45 kHz, and the second frequency corresponds to 1.6 kHz.